



Attorney Docket No. C70259D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Parker, D.
Serial No.: 10/733,992 Group Art Unit No.: 1614
Filed: 10 December 2003 Examiner: R. Henley
For: LIQUID ORAL COMPOSITIONS COMPRISING A CALCIUM
COMPOUND AND AN ACIDULANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Petitioner, SmithKline Beecham p.l.c., of, New Horizons Court, Brentford, Middlesex, England TW8 9EP, represents that it is the assignee of all title and interest in United States Patent Application Serial No. 10/733,992, filed on 10 December 2002 for "LIQUID ORAL COMPOSITIONS COMPRISING A CALCIUM COMPOUND AND AN ACIDULANT", which application is a divisional of USSN 09/978,993, (now US Patent 6,719,963) filed 16 October 2001 which is a divisional application of USSN 09/125,471, filed 19 August 1998 (now US Patent, 6,319,490) which application is the §371 national stage entry of PCT/EP97/00646, filed 12 February 1997 which claims the benefit of priority from GB Application No. 9603518.3, filed 20 February 1996, by virtue of the assignment in said United States Patent Application Serial No. 09/125,471, said assignment being duly recorded at Reel 9594 and Frame 0637 in the United States Patent and Trademark Office on 19 August 1998.

U.S. Application Number 10/051,846, filed 17 January 2002 is a divisional application of USSN 09/485,898, filed 17 February 2001 (now US Patent No. 6,383,473) which application is the §371 national stage entry of PCT/EP98/05119, filed 11 August 1998, which claims the benefit of priority from GB 9717598.8, filed 19 August 1997. The Assignment for U.S. Application Number 10/051,846 has been duly recorded at Reel 010705 and Frame 0764 in the United States Patent and Trademark Office on 17 March 2000.

Petitioners submit that the evidentiary documents have been reviewed and certify to the best of their knowledge and belief that title is in the Petitioner seeking to take this action.

Petitioner, SmithKline Beecham p.l.c., hereby disclaims except as provided below, the terminal part of any patent granted on the above-identified U.S. Application 10/733,992 which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 and §156 of USSN 10/051,846, filed 17 January 2002 forming the basis of the double patenting rejection, and hereby agrees that if a patent so granted on U.S. application number 10/733,992 it shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. application number 10/051,846. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. application number Serial No. 10/733,992 that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on US application number 10/051,846, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or is terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by reexamination certificate, is reissued, or is deemed not to provide the rights conveyed by 35 USC §154 prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

This disclaimer shall not be effective against any patent term extensions obtained under 35 U.S.C. §156 for any patent granted on the above-identified application.

The Undersigned represents that I am an attorney of record in this application.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$110.00 to Deposit Account No. 19-2570. Please charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 which may be required by this paper, or credit any overpayment to Deposit Account No. 19-2570. If a fee is required for an extension of time

Serial No. 10/733,992
Group Art Unit No. 1614

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under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted



Dara L. Dinner
Attorney of Record
Registration No. 33,680

6 December 2004

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terminal disclaimer shall run with any patent granted on the above-identified application and shall be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 10/733,992 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, U.S. Patent No. 6,319,490, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

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